

Frank Eugene Braze
 5945 Castle Terrace Dr.
 Central Point, Oregon 97502
PROPER PARTY INJURED

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U.S. DISTRICT COURT
 DISTRICT OF OREGON
 MEDFORD, OREGON

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Frank E. Braze]
 Plaintiff]
 vs]
 City of Medford]
 Medford Police Department]
 Medford Municipal Court]
 officer Burchfiel]
 officer Brent Mak]
 Denise Bostwick]
 State of Oregon]
 United States Government]
 Judge Haberlath;]
 Jef E. Faw]
 Lindsay Berryman dba]
 "LINDSAY BERRYMAN"]
 Curt Bennett dba]
 "CURT BENNETT"]
 Jim Key dba]
 "JIM KEY"]
 Sal Esquivel dba]
 "SAL ESQUIVEL"]
 Skip Knight dba]
 "SKIP KNIGHT"]
 Matthew Hart dba]
 "MATTHEW HART"]
 John Michaels dba]
 JOHN MICHAELS]
 Bill Moore dba]
 "BILL MOORE"]
 "Michael Dyal"]
 Medford Police Department]
 "Ron Doyle"]
 Police Chief Eric Mellgren]
 and does 1 through]
10,000,000,000 inclusive]

INCORPORATED CASE NO. 00-3099

COMPLAINT

MOTION
THIS CASE IS UNDER THE
JURISDICTION OF "THE AMERICAN
FLAG OF PEACE" OF THE UNITED
STATES OF AMERICA 4 USC 1
NO ADMIRALTY OR MARITIME
FLAGS OF WAR OR JURISDICTION
ALLOWED IN THIS CASE
PLAINTIFF IS THE MOVING PARTY

UNITED STATES CONSTITUTION
VII AMENDMENT COMMON LAW
JURY TRIAL DEMANDED
[Jury trier of both law and fact]

ABBREVIATIONS:
 A.U.S.C.= AMENDMENT UNITED STATES CONSTITUTION

U.S.C.= UNITED STATES CODE

U.S.C.A.= UNITED STATES CODE ANNOTATED

PERSON IS REPLACED IN STATUTE DEFINITIONS BY CITIZEN IN PARTY OR INDIVIDUAL

Civil law or equity law is the law of the ruler;

Common Law is the law of the people.

When Justice Leaves the Courtroom,

Hope Turns Elsewhere

Attorney Steffan Bertsch of Lake Stevens, Washington, author of the book *Crisis in Our Courts*: "I am sorry to admit that your writer is correct in that there is little or no law running the "justice" system; American justice has given way to ignorance, cowardice and corruption."

DEFINITIONS

FRAUD: An intentional perversion of truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right, a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Brainerd Dispatch Newspaper co. v Crow Wing County 196 Minn. 194, 264 N.W. 779, 780.

Any kind of artifice employed by one person to deceive another Goldstein v Equitable Life Assur. Soc. of U.S. 160 Misc. 364, 289 N.Y.S.1064, 1067

A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick cunning, dissembling, and any unfair way by which another is cheated. Johnson v McDonald 170 Okl. 117,39 P2d 150

"Bad faith" and "fraud" are synonymous and also synonymous of dishonesty, infidelity, faithlessness, perfidy, unfairness, etc. Joiner v Joiner Tex. Civ. App, 87 S.W. 2d 903,914, 915

EXTORTION : *Extortion: The obtaining of property from another induced by actual or threatened force, or fear, or under color of official right. Ref. 18 U.S.C.A. 871et seq., 1951.*

EXTORTIO - [LEGAL] -, Extortion is a crime when, by color of office any person [or individual] extorts that which is not due, or more than is due, or before the time when it is due. [see fees]Ref.- U.S.C.A. 18 sec, 1621 5542d a, [emphasis added]

JURISDICTION: *The "jurisdiction " of judicial tribunals emanates exclusively from the constitution and legally enacted statutes of the sovereignty of the forum. Stewart v. Sampson 148 S.W.2d 278, 280, 281, 285, Ky 447.*

"Jur -- "in courts is the power and authority to declare the law. The very word in its origin comports as much. It is derived from "Juris" and "dicto", I speak by the law. It is the right of administering Justice through the laws, by the means which the law has provided for that purpose Barrs v. State, 97 S.E. 86, 87, 22 Ga. App. 642.

DUE PROCESS OF LAW *Due process of law means, said the Supreme Court in a late*

case (1908), that 'no change in ancient procedure can be made which disregards those fundamental principles... which... protect the citizen in his private right and guard him against the arbitrary action of the government.'

The due process of law standard for a trial is one in accordance with the Bill of Rights and laws passed pursuant to constitutional power, guaranteeing to all alike a trial under the general law of the land. Duncan v. Louisiana, 391 U.S. 145; 88 S.Ct. 1444 (1968) [emphasis added]

FRIVOLOUS *A pleading is "frivolous when it is clearly insufficient on its face, and does not controvert the material points of the opposite pleading, and is presumably interposed for mere purposes of delay or to embarrass the opponent. A claim or defense is frivolous if a proponent can present no rational argument based on the law or evidence in support of that claim or defense. Liebowitz v. Aimexco Inc. 701 P2d 140, 142, Blacks 6th page 668.*

PRELIMINARY STATEMENT

1. The **UNITED STATES CONSTITUTION** etc. is the **Supreme Law of the Land** pursuant to **ARTICLE VI, [2] UNITED STATES CONSTITUTION**

2. The judges in every state are bound by the United States Constitution, not state judges, but "*in every state*", location, not official capacity,

3 **ARTICLE VI, [2] UNITED STATES CONSTITUTION: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.** [emphasis added]

4 All legislative, executive and judicial officers, federal and state are bound by oath or affirmation to support the United States Constitution and the laws **made in pursuance** of the United States Constitution

5 **UNITED STATES CONSTITUTION: ARTICLE VI, [3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution** [emphasis added]

6 The United States Constitution, the Supreme Law of the Land provides in **Amendment VI** that in **all criminal prosecutions, the accused shall enjoy** certain rights.

7 Pursuant to **Amendment VI, In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.**

7. The courts in their lust for power [have in **violation of their oath** to support the Constitution of the United States; Which states in pertinent part that the Constitution of the United States and the laws made in pursuance of the Constitution of the United States... is the **Supreme law of the land** and the judges in every state are bound thereby not withstanding any state laws to the contrary] reached back into the English common law to provide the basis for claiming that when the founding fathers stated that in

all criminal prosecutions the accused is entitled to a jury trial, etc. they didn't know what they were talking about and excluded what they claim the English common law called "petty crimes"

8 ***Article III. Section. 2 Paragraph 2. of the United States Constitution states in pertinent part: "In all cases ... the supreme Court shall have original Jurisdiction. with such Exceptions, and under such Regulations as the Congress shall make."*** which puts the lie to the claim that the founders did not mean "petty crimes" when they used the word **all**.

9 The framers of the United States Constitution were perfectly capable of making exceptions and exclusions to the word **all** in the Constitution when that was their intention as may be clearly seen from the above section.

10 While the courts may have some basis for using the old English Common Law as the basis for determining what the Founding Fathers meant where the Constitutional provision, history and supporting documentation is unclear the VIth Amendment is not one of those cases. As part of the Supreme law of the land the Constitution is binding not only on Judges but on every individual in the United States.

11 ***United States Constitution Article. VI.*** requires that *The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;*

12 The word **all** means no exclusions for **petty** executive or judicial officers

13 ***"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it."*** *State v. Sutton, 63 Minn. 147 65 NW 262 30 ALR 660. Also see (Watson v. Memphis, 375 US 526; 10 L Ed 529; 83 S.Ct. 1314)*

14 ***Article III. Section. 2 Paragraph 2. of the United States Constitution*** clearly shows that when the framers of the Constitution said **all** they meant **all**, the claim that they excluded "petty crimes" **is a fraud ... " and no one is bound to obey it."**

15 The courts in order to increase their power through usurpation of the rights of the people have attempted not only to make the jurors believe the fraud that the determination of the law is the province of the court but have also attempted to keep from the jurors the fact that they are entitled to use the power and right of jury nullification if the jury determines that the law in fact of administration is unjust and is the right of the Jury in civil, common law cases to determine both law and fact with the power and duty of the judge limited to advising the Jury on the law.

16 Nullification is the historic, common-law practice by which jurors pass judgment on the law, as well as the facts of the case before them. Today, trial judges habitually inform jurors that they may deliberate on the facts only -- that they may never ask, "Is the law just?" or, "Is the law justly applied to this defendant?"

17 We have reached a point at which "the law is whatever I say it is" -- as long as the "I" in question is a judge or a prosecutor. Because the appeals system is populated by **members of the same "club,"** the most outrageous injustices are often upheld.

18 Lord Camden said: **'give to the jury or to the judge the right of trial of the subjects of this country.** You must give it to one of them, and I think you can have no difficulty which to prefer.' The bill passed the house of commons in 1791. 29 Parl. Hist.

Oregon.

35 Defendant Sal Esquivel is a member of the Medford CITY COUNCIL, Jackson county, Oregon.

36 Defendant Skip Knight is a member of the Medford CITY COUNCIL, Jackson county, Oregon.

37 Defendant Matthew Hart is a member of the Medford CITY COUNCIL, Jackson county, Oregon.

38 Defendant John Michaels is a member of the Medford CITY COUNCIL, Jackson county, Oregon.

39 Defendant Bill Moore is a member of the Medford CITY COUNCIL, Jackson county, Oregon.

40 Defendant "Michael Dyal" is the Medford CITY MANAGER, Jackson county, Oregon.

41 Defendant Judge Haberlath; is the Medford Municipal court judge of Jackson county, Oregon.

42 Defendant "Ron Doyle" is Medford City lawyer, Jackson county, Oregon.

43 Defendant Police Chief Eric Mellgren is Medford police chief, Jackson county, Oregon.

VIOLATIONS OF LAW

COUNT I

44 Paragraphs 1 through 316 are incorporated by reference.

45 On 5, 12, 2000 Frank Eugene Braze, specifically **not** "FRANK EUGENE BRAZE ", [hereafter Braze] was operating a motor vehicle on Riverside street, City of Medford. when he was **arrested** by one officer Burchfiel. [hereafter Burchfiel]

46 The individual does not need to be told they are under arrest for that to be the fact.

47 The United States Supreme Court has determined that: *Detention of individual need not be accompanied by formal words of arrest or station house booking in order to constitute arrest requiring probable cause; arrest occurs whenever police officer accosts individual and restrains his freedom to walk away. Passman v Blackburn [1981 CA5LA]652 F2d 579, cert den 455 U.S. 1022, 72 Led 2d N1, 102 S Ct 1722* [emphasis added]

48 In the present case freedom to **drive away** was restrained

49 Burchfiel began questioning Braze as to why Burchfiel had "arrested" Braze.

50 Burchfiel never informed Braze of Braze's rights against self incrimination and tried to compel Braze to state why .Burchfiel had arrested Braze though the word arrest was never used

51 The Courts including the United States Supreme Court have determined: that the: *5th Amendment protects individuals from compelled self-incrimination at all times not just upon arrest or during custodial interrogation State v. Fenci [1982] 109 Wis. 2d 244, 325 N.W. 2d 703.*

52 That *Privilege against self incrimination not only extends to answers that would in themselves support conviction, but likewise embraces those which would furnish link in chain of evidence needed to prosecute. Mallary v. Hogan [1964] 378 U.S. 1, 12 L.E.d. 2d 653, 84 S.Ct. 1489*

53 And that *Privilege against self-incrimination protects accused from being compelled to incriminate himself in any manner, and does not distinguish degree of*

incrimination. *Miranda v. Arizona* [1966] 389 U.S. 436, 6 L.Ed. 2d. 694, **86 S.Ct. 1602**, 10 Ohio Misc., 36 Ohio Ops. 2d 237, ALR 3d 974..

54 The "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] states in pertinent part "**DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S)**" "☐ INTENTIONAL" "☐ KNOWING" "☐ RECKLESS" "☐ CRIMINAL NEGLIGENCE" "☐ NO CULPABLE MENTAL STATE"

55 Burchfiel's questioning was for the purpose of determining if the offense(s) was (were) "☐ INTENTIONAL" "☐ KNOWING" "☐ RECKLESS" "☐ CRIMINAL NEGLIGENCE" or done with "☐ NO CULPABLE MENTAL STATE"

56 Burchfiel's questioning was in deprivation of Braze's constitutional rights against self incrimination pursuant to **Amendment V. of the United States Constitution ...**" nor shall be compelled in any criminal case to be a witness against himself,"...

Burchfiel's questioning was in deprivation of Braze's common law rights against self incrimination as found in the United States Constitution

57 Burchfiel's questioning was in deprivation of Braze's common law rights against self incrimination pursuant to the laws in pursuit of the United States Constitution, including *Stare Decisis*, including those cited above, but not by way of limitation.

58 Burchfiel's questioning constitutes common law trespass against Braze's right against self incrimination.

59 Burchfiel's questioning was done in deprivation of Braze's common law rights pursuant to Title 42, USC section 1983.

60 *Title 42, USC section 1983. Every person who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other individual within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress*

61 Burchfiel's questioning was done in conspiracy with the Medford Municipal court which issues the "**OREGON UNIFORM CITATION AND COMPLAINT**" to its officers and the State of Oregon which designed and produced the "**OREGON UNIFORM CITATION AND COMPLAINT**"

62 Burchfiel's questioning was done in deprivation of Braze's rights pursuant to *Title 42 USC section 1985*

63 *Title 42 USC section 1985 [3] Depriving individuals of rights or privileges. If two or more persons in any State or territory conspire or go on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly any individual [or class of individuals] of the equal protection of the laws or of equal privileges and immunities under the laws,...if one or more persons engaged therein do, or cause to be done any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property or deprived of having or exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against one or more of the conspirators.* 64

Burchfiel's questioning was done as part of the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's rights against self incrimination.

65 Burchfiel's questioning constitutes part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon as a common law trespass against

Braze's rights against self incrimination.

66 Burchfiel's questioning was done as part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights as found in the United States Constitution against self incrimination.

67 Burchfiel's questioning was done as part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's rights as found in the laws in pursuance of the United States Constitution, including *Stare Decisis*, case law against self incrimination.

COUNT II

68 Paragraphs 1 through 316 are incorporated by reference.

69 Burchfiel eventually informed Braze that the tail lights and brake lights on the vehicle Braze was driving were not operating and gave Braze what Burchfiel described as a "fix-it ticket"

70 Burchfiel never told Braze that the broken reflector part of the right lens assembly on the lights showing to the rear of the vehicle was a problem, Braze was to make the vehicle lights operable.

71 **Burchfiel charged Braze with operating a motor vehicle without the required lights**

72 Burchfiel is a "law enforcement officer" and as such must be held to a high standard of knowledge of the law.

73 It is impossible for a law enforcement officer to properly enforce the law without knowledge of the law the officer has taken an oath to enforce.

74 Officer Burchfiel knew the law and did in a willful and deliberate manner charge Braze with a crime of which Braze was not guilty

75 The act charging Braze with a crime of which Braze was not guilty in a willful and deliberate manner, with full knowledge that they were not true, by officer Burchfiel, is clearly demonstrated by the section in the citation which states "**DESCRIBE**" and in which Burchfiel states: "Operating w\out Required lights (Brake\ Tail). [Exhibit A, included by reference]

76 The applicable definition of **without**, meant by w\out, is stated by Websters Dictionary as "lacking".

77 **If the intent had been to indicate that the lights were not working** Burchfiel would have put **Required lights not operating** indicating that the lights were there but not working.

78 **If the intent had been to indicate that the lights were not working** Burchfiel would have charged Braze with violating *ORS 816.080* and *816.100* indicating that the lights were there but not working not *816.330* [Exhibit A, included by reference] **Operation without required lighting equipment;** indicating that the lights were not on the vehicle.

79 Burchfiel states in pertinent part in the "**OREGON UNIFORM CITATION AND COMPLAINT**" "I CERTIFY UNDER ORS 153.045 AND 153.990 AND UNDER OTHER APPLICABLE LAW AND UNDER PENALTIES FOR FALSE SWEARING. DO SWEAR/AFFIRM THAT I HAVE SUFFICIENT GROUNDS TO AND DO BELIEVE THAT THE ABOVE MENTIONED DEFENDANT/PERSON COMMITTED THE ABOVE OFFENSE(S) AND I HAVE SERVED THE DEFENDANT/PERSON WITH THIS COMPLAINT" [Exhibit A, included by reference] which Burchfiel then signed with full knowledge that the foregoing was not true.

80 Burchfiel's arrest of Braze on the charge that Braze was operating a motor vehicle without the required lights was a false arrest pursuant to the United States Constitution, constituting deprivation of Braze's common law rights to liberty, to own

property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel, the right to operate a motor vehicle for business and pleasure but not by way of limitation,

81 Burchfiel's arrest on the charge that Braze was operating a motor vehicle without the required lights was a false arrest constituting deprivation of Braze's common law rights to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, right to operate a motor vehicle for business and pleasure but not by way of limitation, pursuant to *Title 42, USC section 1983*.

82 Burchfiel's arrest of Braze on the charge that Braze was operating a motor vehicle without the required lights was a false arrest constituting deprivation of Braze's common law rights pursuant to the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit to the United States Constitution, pursuant to the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

83 Burchfiel's arrest of Braze on the charge that Braze was operating a motor vehicle without the required lights was a false arrest constituting a common law trespass on Braze's common law rights, including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

84 Burchfiel's arrest of Braze was done as part of the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

85 Burchfiel's arrest of Braze constitutes part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon as a common law trespass against Braze's right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

86 Burchfiel's arrest of Braze was done as part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's rights as found in *Title 42, USC section 1985*. the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

87 Burchfiel's arrest was done as part of a conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights as found in the United States Constitution and the laws in pursuance of the United States Constitution, including *Stare Decisis*, case law including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances,

pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

88 Burchfiel's arrest of Braze on the charge that Braze was operating a motor vehicle without the required lights was a false arrest constituting deprivation of Braze's right pursuant to the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit to the United States Constitution, pursuant to the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

89 Burchfiel's arrest of Braze on the charge that Braze was operating a motor vehicle without the required lights was a false arrest constituting common law trespass on Braze's common law rights, including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

COUNT III

90 Paragraphs 1 through 316 are incorporated by reference.

91 On 6, 9, 2000, Braze took the vehicle to the Medford Municipal Court etc. to get the citation dismissed. [Exhibit B, included by reference]

92 Officer Brent Mak [hereafter Mak] refused to dismiss the citation due to a broken portion of the right tail / brake / turn signal / reflector assembly lens, **in the reflector portion.**

93 Mak refused to dismiss the citation, claiming that the lens would emit white light to the rear of the vehicle even though Mak had not observed such condition,

94 As a law enforcement officer Mak had a duty and responsibility to positively determine that the lens would emit white light to the rear of the vehicle before refusing to dismiss the citation.

95 The broken portion of the lens was to the center of the back of the vehicle and was not in the lighted portion of the lens assembly but in the reflector portion which made it impossible, unless the light was capable of turning a corner, to emit white light to the rear of the vehicle.

96 Mak claimed that a statute prevented Mak from dismissing the citation.

97 When Braze asked, Mak failed and refused to provide Braze with the statute Mak was claiming prevented Mak from dismissing the citation.

98 Mak knew or should have known that the statute the violation of which Braze was charged was for operating a motor vehicle **without the required lights.** [Exhibit A, included by reference]

99 On 5, 10, 2000 Braze observed that neither the brake or tail lights emitted a white light to the rear of the vehicle when lighted as claimed by Mak but emitted a red light as required by the statutes cited within this document.

100 On or about 6, 10, 2000 Braze investigated the statute cited by Burchfiel and the other statutes on lights cited within the Declaration, filed herewith and included herein by

reference thereto and discovered that **Braze was not charged with inoperable lights as Braze had been led to believe** but with **not having the required lights**.

101 The **required lights** were on the vehicle **at all times** referred to in this document.

102 Mak as a law enforcement officer knew or should have known that the cited statute was for lack of equipment not inoperable equipment.

103 With the required equipment on the vehicle Mak was not prevented from signing the citation.

104 Mak was **required** to dismiss the citation pursuant to the Due Process clauses of the United States Constitution, **The Supreme Law of the Land** which Mak had taken an oath/affirmation to uphold as a law enforcement officer.

105 The required lights were present, making refusal to sign the citation deprivation of Braze's common law rights pursuant to *Title 42, USC section 1983*. to due process of law, equal protection of the law, the right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

106 The required lights were present, making refusal to sign the citation deprivation of Braze's common law rights as found in the United States Constitution, to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

107 The required lights were present, making refusal to sign the citation deprivation of Braze's common law rights pursuant to *Stare Decisis*, case law in pursuance of the United States Constitution including due process of law, equal protection of the law, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

108 The required lights were present, making refusal to sign the citation common law trespass on the rights of Braze to, due process of law, equal protection of the law, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

109 The required lights were present and the refusal to sign the citation was done as part of the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

110 Mak's actions were part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's common law United States Constitution rights to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances,

pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

111 Mak's actions were part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's common law rights in the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuance to the United States Constitution to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

112 Mak's actions were part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon as a common law trespass against Braze's rights to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

113 Mak's actions were part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's rights pursuant to *Title 42, USC section 1985* to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

COUNT IV

114 Paragraphs 1 through 316 are incorporated by reference.

115 Burchfiel knew or should have known that a broken lens would result in the refusal to dismiss the citation and was obligated as a law enforcement officer to inform Braze. Such action constitutes **concealment of that which should have been disclosed** constituting fraud.

116 The Courts have determined that fraud includes [*Stare Decisis*]: *An intentional perversion of truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right, a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury.* *Braainerd Dispatch Newspaper co. v Crow Wing County* 196 Minn. 194, 264 N.W. 779, 780. [emphasis added]

117 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud leading to deprivation of Braze's common law rights pursuant to the United States Constitution, of liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel, the right to operate a motor vehicle for business and pleasure but not by way of limitation,

118 Burchfiel's failure to inform Braze that the broken part of the lens would prevent

signing off of the citation was fraud leading to deprivation of Braze's common law rights pursuant to *Title 42, USC section 1983*, to liberty, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, right to operate a motor vehicle for business and pleasure but not by way of limitation, pursuant to

119 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud leading to deprivation of Braze's common law rights in the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit to the United States Constitution, pursuant to the right to liberty, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

120 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud constituting a trespass on Braze's common law rights, including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

121 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was done as part of the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

122 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud leading to deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon and was a common law trespass against Braze's rights to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

123 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud leading to deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's rights pursuant to *Title 42, USC section 1985* including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

124 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud leading to deprivation of Braze's common law rights and was done as part of conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's common law rights as found in the United States Constitution including the right to liberty, to own property, the unabridged

right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

125 Burchfiel's failure to inform Braze that the broken part of the lens would prevent signing off of the citation was fraud and was done as part of the conspiracy leading to deprivation of Braze's common law rights in the laws in pursuance of the United States Constitution, including *Stare Decisis*, case law, including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

COUNT V

126 Paragraphs 1 through 316 are incorporated by reference.

127 On 5, 12, 2000, Frank E. Braze received from officer Burchfiel The following document, "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] "SUMMONS" "55601" WITH THE NAME **SPELLED IN ALL CAPS, "FRANK EUGENE BRAZE"**, **FRAUD In conspiracy with the state of Oregon printing the name on the drivers license WITH THE NAME SPELLED IN ALL CAPS, in deprivation of Braze's Constitutional rights as follows:**

128 Frank E. Braze, PROPER PARTY INJURED IS REFUSING THE DOCUMENT "**OREGON UNIFORM CITATION AND COMPLAINT**" UNDER: [F.R.C.P. 9 [b] "FRAUD" ONCE A FRAUD ALWAYS A FRAUD, CONSPIRING WITH THE STATE OF OREGON; BUT NOT BY WAY OF LIMITATION.

129 Declaring that **Frank Eugene Braze**, [hereinafter Braze] is either dead or a corporation ["FRAUD"] The claim being that: "**FRANK EUGENE BRAZE**" The name being in all upper case designates either a dead party or a corporation. Braze is not dead nor a corporation, the name is not, "**FRANK EUGENE BRAZE**" **THEREFORE "Frank E. Braze"** has never been served with the claimed document as required by law, and no proper service has been achieved. Service on a dead party is not valid service therefore the intent is clearly to designate Braze as a corporation under the commerce of the Military/Maritime/Admiralty/Administrative flag of the court, gold fringe, gold braid, gold spear, gold ball, gold eagle [in the case of the Medford Municipal Court gold fringe with gold eagle on top] "**FRAUD**", Pursuant to the **FRAUD** of the "War Powers Act" of 1917 as amended in 1933 making the people of the United States the same as enemies in order to deprive the people, including **Braze**, of the rights of the **FLAG OF PEACE and the United States common law** as found within the **Constitution of the United States, particularly, but not exclusively, within the bill of rights, and within the declaration of Independence. FRAUD" ON ITS FACE.**

130 Blacks Law Dictionary describes as follows: *Legal Name, Under common law consists of one Christian name and one surname, and the insertion, omission, or mistake in middle name or initial is immaterial. The "legal name of an individual consists of a given or baptismal name, usually assumed at birth, and a surname deriving from the common name of the parents. Application of Green, 54 Misc.2d 606, 283 N.Y.S. 2d 42, 245; B.L.D. [emphasis added]*

131 The legal name is, "**Frank Eugene Braze**," not "**FRANK EUGENE BRAZE**"

14 Complaint / Motion

132 Frank E. Braze is a "citizen in party" and Proper Party Injured and the movant.

133 **Therefore** Frank E. Braze has never been served with the required document as required by law by an approved agency, and no proper service has been achieved in order to deprive Braze of the rights of the **FLAG OF PEACE and the common law** under the **Constitution of the United States** which under TITLE 42 U.S.C.A. 1986, HAVING KNOWLEDGE OF THE LAW AND DID NOT CORRECT LEADS TO TITLE 42 U.S.C.A. 1983 INJURY OF DEFENDANT, NOTES 333, 337, 349, 350, AND 351, VIOLATION OF CONSTITUTIONAL RIGHTS, POLICY AND CUSTOM 319 AND 337.

134 VIOLATION OF POLICY AND CUSTOM COME UNDER THE **INTENT OF DEPRIVATION OF RIGHTS** UNDER TITLE 18 U.S.C.A. SECTION 242 **DEPRIVATION OF RIGHTS UNDER COLOR OF LAW** AS AGAINST THE CITIZEN. [BUT NOT BY WAY OF LIMITATION]

135 HAVE CAUSED "**Braze**", WITH THE "KNOWLEDGE OF THE LAW" UNDER TITLE 42 U.S.C.A. 1986 WITH "**DEPRIVATION**" OF U.S. CONSTITUTIONAL RIGHTS UNDER THE "**COLOR OF LAW**" IN AND FOR TITLE 18 U.S.C.A. 242 "**DEPRIVATION OF RIGHTS**" WITH "**INTENT**" AND "**EXTORTION**", AND "**EXTORTION**" OF U.S. CONSTITUTIONAL RIGHTS UNDER TITLE 18 U.S.C.A. 872 AND TITLE 18 U.S.C.A. 241

136 "**CONSPIRACY AGAINST RIGHTS**" TITLED ABOVE, [BUT NOT BY WAY OF LIMITATION] TOGETHER IN THEIR "SILENCE" CAUSING "**NEGLECT**" TITLE 42 U.S.C. 1986, WHILE WITNESSING EACH OTHER IN TURN, IN THESE PROCEEDINGS, AS AGAINST **Braze** IN VIOLATION OF A GUARANTEE OF DUE PROCESS CAUSING 5TH A.U.S.C. **DUE PROCESS VIOLATIONS**

137 THE "KNOWLEDGE" OF THE LAW, FOLLOWED BY F.R.C.P. 9 (b) "FRAUD", THEN **TITLE 18 U.S.C.A. 242 "DEPRIVATION OF RIGHTS UNDER THE COLOR OF LAW"**

138 *WHOEVER, UNDER COLOR OF ANY LAW, STATUTE, ORDINANCE, REGULATION, OR CUSTOM, WILLFULLY SUBJECTS ANY : "CITIZEN IN PARTY" IN ANY STATE, TERRITORY, OR DISTRICT TO THE "DEPRIVATION" OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE U.S. CONSTITUTION OR LAWS OF THE UNITED STATES, OR TO DIFFERENT PUNISHMENTS, PAINS, OR BY REASON OF CITIZEN IN PARTY'S COLOR OR RACE THAN ARE PRESCRIBED FOR THE PUNISHMENT OF "CITIZENS IN PARTY" SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TEN YEARS OR BOTH.*

139 The **FRAUD** of the war powers act claiming the people are the same as the enemies of the government can be clearly seen in the following statement by the United States Supreme Court in 1866. The problem is not that the people are the enemies of the Government but that the "claimed" Government has become the enemy of the people.

140 *The Constitution of the United States is a law for rulers and people, **equally in war and peace**, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.* " The Supreme Court of the United States, 1866 [emphasis added]

141 The **FRAUD** of the War Powers Act as amended in 1933 is clearly seen in the United States Constitution, the statements of the framers of the Constitution that powers not delegated to the Federal Government were denied, and the above statement by the United States Supreme Court.

142 The Constitution clearly spells out what rights may be suspended in time of war or emergency and any other suspension is unconstitutional.

143 The U.S. has technically been at war with it's own citizens since the 1930's time period after we were sold out by one of our own presidents, Roosevelt. The declared National Emergency of March 9, 1933 amended the War Powers Act to include the

American People as enemies. This allowed Maritime Law to come onto land.

144 **HOWEVER** the actions were and are entirely unconstitutional. **The Federal Government may only Constitutionally exercise those powers granted by the Constitution.**

145 **KEEPING THE LAWS UNCLEAR.** In the editorials/government/protocols of zion by which the New World Order is implemented, the **ambiguity of legal terms** is set forth as a **necessary quality** by which **any interpretation desired may be secured**. In the nebulous breadth of those ambiguities lies the latitude of interpretation to **make laws and regulations say whatever those in authority want them to say**. Concerning those laws they claim that they: "...have **twisted their interpretations so as to make them contradict each other**. We have succeeded in erecting great and magnificent results by perverting the laws. The first result was that the interpretations of the laws actually masked their true intent. Afterwards, those laws were entirely hid from eyes of the governments because it became impossible to make anything out of the tangled web of legislation."

146 The actions of Mak, Burchfiel, Denise Bostwick, Medford Municipal Court, City of Medford, Medford Police Department, State of Oregon, United States Government, but not by way of limitation, in using all multifarious means at their disposal to twist their interpretations so as to make them contradict each other or claim that the law means something other than the clear unambiguous statement as was done in the **"OREGON UNIFORM CITATION AND COMPLAINT"** claiming that **816.330 Operation without required lighting equipment; means OPERATION WITHOUT REQUIRED LIGHTING"** are actions to mask the true intent of the law.

147 The foregoing individuals and entities are conspiring with other individuals and entities within the Oregon government and Federal government to make the laws so vague and ambiguous that they can declare that they mean anything these individuals want them to mean in deprivation of the rights of the people of the United States, including Braze.

148 The actions of the conspirators as stated above constitute deprivation of All of Braze's rights, both enumerated and unenumerated Pursuant to the Natural Rights of Man. 149 The actions of the conspirators as stated above constitute deprivation of All of Braze's rights pursuant to the Constitution of the United States.

150 The actions of the conspirators as stated above constitute deprivation of All of Braze's rights Pursuant to the Common Law.

151 The actions of the conspirators as stated above constitute deprivation of All of Braze's rights Pursuant to Title 42, USC, sections 1986, 1985 and 1983.

152 The actions of the conspirators as stated above constitute deprivation of All of Braze's rights pursuant to the rights found within the laws in pursuit of the Constitution of the United States both statutory and case law; *[Stare Decisis]*.

COUNT VI

153 Paragraphs 1 through 316 are incorporated by reference.

154 Denise Bostwick and jane doe, court clerks, Medford Municipal Court, did conspire with the Medford Municipal court to deprive Braze of Braze's United States common law rights, found within the United States Constitution, **particularly, but not exclusively, within the Bill of Rights**, and the Declaration of Independence, founded on the Natural Rights as found in the English Common law and as espoused by Blackburn.

155 Denise Bostwick and jane doe, court clerks, have denied Braze the right to jury trial as required by the VI amendment to the United States Constitution.

156 Denise Bostwick and jane doe, court clerks, have denied Braze the right to compel witnesses against Braze and hostile witness in Braze' defense, in the form of Mak who refused in violation of Constitutional Due process of law to dismiss an unlawful citation.

157 Denise Bostwick and jane doe, court clerks, have denied Braze the right to compel witnesses in Braze's favor in the form of the facilities to show a video recording of what the light emanating from the rear of the vehicle looks like.

158 The United States Constitution is clear and unambiguous about the rights of the people in **all** *criminal prosecutions*.

159 The English common law is not the "Law of the Land" in the United States of America.

160 The English common law cannot constitutionally be resorted to in order to pervert the meaning of the United States Constitution.

161 The English common law may only be resorted to in order to determine what the framers of the United States Constitution meant when the "vulgar", common, meaning of the word or law is unclear.

162 Pursuant to the *United States Constitution, Amendment VI, In **all** criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.*

163 **Article III. Section. 2 Paragraph 2. of the United States Constitution states in pertinent part: "In **all** cases ... the supreme Court shall have original Jurisdiction. with such Exceptions, and under such Regulations as the Congress shall make."**

164 The framers of the United States Constitution were perfectly capable of making exceptions and exclusions to the word **all** in the Constitution when that was their intention as may be clearly seen from the above section.

165 Where it was the intention of the framers of the Constitution to make exceptions and provide for regulations as limitations on rights and powers the framers of the Constitution explicitly so stated.

166 **The Supreme Court of the United States in, 1866, stated: "Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.**

167 The word **all** in *Amendment VI* is as extended as is possible, it means **each and every** crime and criminal prosecution; No exclusions for infractions, offenses, violations or other names the courts have come up with **in the court's multifarious means which human ingenuity can devise, and which are resorted to by the courts**

to increase the courts power by deprivation of the rights of the individuals as enumerated within the United States Constitution. While claiming, based on **English Common Law** that the framers of the United States Constitution didn't mean what they said when they said ***all* criminal prosecutions**,

168 The courts have stated the following **pursuant** to the United States Constitution:

169 *The word 'crime' in its more extended sense, comprehends every violation of public law; "...Callahan v. Wilson, 8 S.Ct. 1301, 1308, 127 U.S. 540, 549, 32 L Ed. 223*
 170 *It means every offense, from the highest to the lowest in grade,"... State v. Stewart, 19 N.W. 429, 432, 60 Wis. 587, 50 Am. Rep. 388; Ex parte Reggel, 5 S Ct.1148, 1152, 114 U.S. 642, 29 L Ed. 250; Morton v. Skinner, 48 Ind. 123, 124; State v. Peterson, 41 Vt. 504, 522. Hyatt v. State of New York, 23 S Ct. 456, 461, 188 U.S. 691, 7 L Ed. 657.*

171 *..."must be held to be used in its general sense to include any crime. State v. Henderson, 50 A. 468, 469, 66 N.J.L. 601. A "crime" is an act committed or omitted in violation of a public law either forbidding or commanding it, and in a comprehensive sense it includes minor offenses. Commonwealth v. Shields, 50 Pa.Super. 194, 203*

172 *"It is a principal of criminal law that an offense which may be the subject of criminal procedure is an act committed or omitted' in violation of a public law, either forbidding or commanding it' " United States v. Eatonk, 12 S Ct. 764, 767, 144 U.S. 687, 36,L Ed. 591.*

173 *Word "crime" in its more extended sense comprehends every violation of public laws. People v. Babb,229 P.2d 843, 103, Cal.App2d 326.*

174 *A criminal action is one prosecuted by the state, as a party, against another person charged with a public offense, in order that punishment thereof may be meted out to said individual after conviction. Ames v. state of Kansas, 4 S Ct. 437, 442, 111, U.S. 449, 28 L Ed. 482*

175 The courts in their lust for power, have in violation of their oath to support the Constitution of the United States; Which states in pertinent part: that the Constitution of the United States and the laws made in pursuance of the Constitution of the United States... is the **Supreme law of the land** and the judges in every state are bound thereby not withstanding any state laws to the contrary, **being unable to find documentation within the writings of the framers of the United States**

Constitution to justify their usurpation of the people's rights in, *all* criminal prosecutions, reached back into, claimed, English common law to provide the basis for claiming that when the founding fathers stated that in ***all* criminal prosecutions** the accused is entitled to a jury trial, etc. they didn't know what they were talking about and excluded what the English common law called "petty crimes", **FRAUD**

176 The use of the claimed, **English common law** is in clear violation of what James Wilson, participant in the Constitutional Congress, signer of the United States Constitution and Justice on the United States Supreme Court stated: "The **first and governing maxim** in the interpretation of a statute is, **to discover the meaning of those who made it.**" **Not what some other country's law said.**

177 Pursuant to the United States Supreme Court: ***"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it."*** *State v. Sutton, 63 Minn. 147 65 NW 262 30 ALR 660. Also see*

(*Watson v. Memphis*, 375 US 526; 10 L Ed 529; 83 S.Ct. 1314) [emphasis added]

178 **All Crimes** is as clear and unambiguous as you can get. 'crime' in its more extended sense, includes "All" violations of the law and the United States Constitution in its *clean and unambiguous language* includes "All" crimes in requiring Jury Trial, etc.

179 While the courts may have some basis for using the old English Common Law as the basis for determining what the Founding Fathers meant where the Constitutional provision is unclear, the VIth Amendment is not one of those cases, The amendment is quite clear, as part of the **Supreme law of the land** it is binding not only on Judges but every individual in the United States.

180 **U.S. Supreme Court in**, *HURTADO v. PEOPLE OF STATE OF CALIFORNIA* stated the following: *To what principles are we to resort to ascertain whether this process enacted by congress is due process? To this the answer must be twofold. We must examine the constitution itself to see whether this process be in conflict with any of its provisions. If not found to be so, we must look to those settled usages and modes of proceeding existing in the common and statute law of England before the emigration of our ancestors, and which are shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of this country.' their right, when accused of crime, to be informed of the nature and cause of the accusation against them, and to a speedy and public trial, by an impartial jury of the state and district wherein the crime was committed; to be confronted with the witnesses against them; and to have compulsory process for obtaining witnesses in their favor. Will it be claimed that none of these rights were secured by the 'law of the land' or 'due process of law,' as declared and established at the foundation of our government? Are they to be excluded from the enumeration of the fundamental principles of liberty and justice, and, therefore, not embraced by 'due process of law?'* **U.S. Supreme Court**, *HURTADO v. PEOPLE OF STATE OF CALIFORNIA*, 110 U.S. 516 (1884) 110 U.S. 516, *HURTADO v. PEOPLE OF THE STATE OF CALIFORNIA*. [emphasis added]

181 These provisions apply not only to the congress but to the determination of the rights of the individual by the court.

182 That claimed to be "*Stare Decisis*", to stand by that decided, case law, is only the law of the land insofar as it is **in pursuance of the United States Constitution**; in all other cases ... "**a fraud is perpetrated and no one is bound to obey it.**"

183 Referring to the declaration by a French writer, that Rome, Sparta, and Carthage having lost their liberties, those of England must in time perish, Blackstone observed that the writer 'should have recollected that **Rome, Sparta, and Carthage, at the time their liberties were lost, were strangers to the trial by jury.**' 2 Bl. Com. 379. [emphasis added]

184 **The Constitution, without excepting from its provisions any individuals over whom the United States may exercise jurisdiction, declares expressly that 'the trial of all crimes, except in cases of impeachment, shall be by jury.'** **U.S. Supreme Court**, *DORR v. U S*, 195 U.S. 138 (1904) 195 U.S. 138 FRED. L. DORR and Edward F. O'Brien, Plffs. in Err., v. UNITED STATES. No. 583. [emphasis added]

The clear reason for the perpetration of this **FRAUD** by the courts is found in the Maxim "**Power corrupts and absolute power corrupts absolutely**"

185 The Fraud is in violation of "*Stare Decisis*", to stand by that decided, **case law in pursuance of the United States constitution** which courts have declared as follows:

186 *Amendment VII states: "In suits at common law, where the value in controversy shall exceed twenty dollar, the right of trial by jury shall be preserved, and no fact tried*

by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." *"The jury. . . acts not only as a safeguard against judicial excesses, but also as a barrier to legislative and executive oppression. The Supreme Court . . . recognizes that the jury . . . is designed to protect Defendants against oppressive governmental practices."* *United States ex rel Toth v. Quarles*, 350 U.S. 11, 16 (1955) [emphasis added] The courts are determined to deny protection against oppressive governmental practices.

187 [J. Story, Commentaries on the Constitution of the United States 1757 (1833) states: "[I]t is a most important and valuable amendment; and places upon the high ground of constitutional right the inestimable **privilege of a trial by jury in civil cases**, a privilege scarcely inferior to that in criminal cases, which is conceded by all to be essential to political and civil liberty." Id. at 1762.] [emphasis added]

188 The Bill of Rights, the first ten amendments to the Constitution are not Federal or State rights but **rights of the people** pursuant to amendment ten.

189 *"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it."* *State v. Sutton*, 63 Minn. 147 65 NW 262 30 ALR 660. Also see (*Watson v. Memphis*, 375 US 526; 10 L Ed 529; 83 S.Ct. 1314)

190 The duty of the courts is clear. *"The judicial branch has only one duty --- to lay the article of the Constitution which is involved beside the statue which is challenged and to decide whether the latter squares with the former. . . the only power it (the Court) has. . . is the power of judgment."* *U.S. v. Butler*, 297 US (1936)

191 *"The jury. . . acts ... as a safeguard against judicial excesses, The Supreme Court . . . recognizes that the jury . . . is designed to protect Defendants against oppressive governmental practices."* *United States ex rel Toth v. Quarles*, 350 U.S. 11, 16 (1955) [emphasis added]

192 Denise Bostwick and jane doe are officers of the court.

293 The United States Constitution requires all judicial officers to take an oath or affirmation to support the Constitution of the United States.

194 The United States Constitution provides for the rights of the accused in **all** criminal cases.]*United States Constitution, Amendment VI,*]

195 Denial of the rights of the accused as provided for in the United States Constitution constitutes perjury of Oath of Office.

196 Denise Bostwick and jane doe have committed perjury of their oath of office.

197 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is a violation of Braze's common law rights as found in the United States Constitution, to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

198 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is a violation of Braze's common law rights pursuant to *Stare Decisis*, case law in pursuance of the United States Constitution including due process of law, equal protection of the law, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the

quantitative and

199 Denise Bostwick and jane doe's refusal to provide for Braze's common law rights pursuant to *United States Constitution, Amendment VI*, constitutes deprivation of Braze's rights pursuant to *Title 42, USC section 1983* including due process of law, equal protection of the law, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

200 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, constitutes common law trespass on the rights of Braze to, due process of law, equal protection of the law, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

201 Denise Bostwick and jane doe's refusal to provide for Braze's common law rights pursuant to *United States Constitution, Amendment VI*, was done as part of the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

202 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the United States Constitution against Braze's rights to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

203 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's rights pursuant to *Stare Decisis*, case law, in pursuance to the United States Constitution; to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

204 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon as common law trespass against Braze's rights to due process of law, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

205 Denise Bostwick and jane doe's refusal to provide for Braze's rights pursuant to *United States Constitution, Amendment VI*, is part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon in deprivation of Braze's

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rights pursuant to *Title 42, USC section 1985* to due process of law, to own property, equal protection of the law, right to travel, right to operate a motor vehicle for business and pleasure, the right to liberty, the unabridged right to petition the government for redress of grievances, pursuit of happiness, and the quantitative and qualitative aspects of the right to life but not by way of limitation

COUNT VII

206 Paragraphs 1 through 316 are incorporated by reference.

207 On or about "6/9/00" DB, believed to be Denise Bostwick, changed the charge of operating a motor vehicle **without** the required lights by Burchfiel in the "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] as follows: from **816.330 Operation without required lighting equipment;** to "**Charge: OPERATION WITHOUT REQUIRED LIGHTING**" in the "**TRIAL NOTICE**" [FRAUD] [Exhibit c, included by reference]

208 The change was an attempt to make lawful an unlawful action by Burchfiel. charging Braze with "**Operation without required lighting equipment;**" when Burchfiel knew the lighting equipment was on the vehicle.

209 The change was an attempt to pretend that **816.330 Operation without required lighting equipment;** means operating without the required lighting, whatever that means.

210 The change was an action to make a series of completely unambiguous laws into "*Vague laws*" in violation of court decisions, *Stare Decisis*, including the United States Supreme Court.

211 *Vague laws offend several important values; first, vague laws may trap the innocent by not providing fair warning; second, vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with attendant dangers of arbitrary and discriminatory application; and third, where a vague statute abuts on sensitive areas of basic First Amendment freedoms, it operates to inhibit the exercise of those freedoms. Grayned v. City of Rockford, 92 S.Ct. 2294, 408 U.S. 104 (1972)*

212 Braze includes COUNT V herein by reference as though fully set forth. The actions as stated in count V are part of a worldwide conspiracy within which the United States Government, the Oregon State Government, The City of Medford, Medford Municipal court and Medford Police department are conspirators, but not by way of limitation.

213 The intent of the conspirators is to use multifarious means, including but not limited to making the laws unintelligible so the conspirators can claim that the laws mean anything the conspirators wish them to mean.

214 Braze will amend this complaint as soon as Braze is able to include further conspirators and overt acts in this conspiracy.

215 The action was intended to bring Braze within the jurisdiction of the court.

216 *Laws and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the Equal Protection Clause of the Fourteenth Amendment. Yick Wo v. Hopkins, 118 U.S. 356*

In the present case the law was fair on its face but was not applicable.

217 Denise Bostwick in changing "**816.330 Operation without required lighting equipment;**" into "**OPERATION WITHOUT REQUIRED LIGHTING**" rendered the charge against Braze vague and ambiguous

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218 It is impossible to tell if the charge against Braze consisted in charging Braze with the absence of the required lighting equipment, with lighting equipment which was inoperable or if Braze was charged with failing to use equipment on the vehicle which was operable but which was not being used when required.

219 Amendment VI. United States Constitution states in pertinent part that: *the accused shall enjoy the right to ... be informed of the nature and cause of the accusation;*

220 When Denise Bostwick changed the accusation, as an officer of the court, and the individual charged with the responsibility of presenting the charges to the judge, Denise Bostwick, acting as the court, did violate Amendment VI. United States Constitution, and Denise Bostwick' oath of office; rendering the "charge"(s) against Braze fraudulent and Braze was not bound to obey either the "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] or the "TRIAL NOTICE" [Exhibit C, included by reference]

221 *"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." State v. Sutton, 63 Minn. 147 65 NW 262 30 ALR 660.*

222 The actions of the "police officers", court "officers" the City of Medford and Medford Municipal Court with their officers, employees and agents have denied Braze the due process of law standard for a trial in accordance with the Bill of Rights and laws passed pursuant to constitutional power.

223 *The due process of law standard for a trial is one in accordance with the **Bill of Rights and laws passed pursuant to constitutional power, guaranteeing to all alike a trial under the general law of the land. Duncan v. Louisiana, 391 U.S. 145; 88 S.Ct. 1444 (1968)*** [emphasis added]

224 The change was done in deprivation of Braze's common law rights as found within the United States Constitution, of liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel, the right to operate a motor vehicle for business and pleasure but not by way of limitation,

225 The change was done in deprivation of Braze's common law rights pursuant to *Title 42, USC section 1983*, to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure but not by way of limitation,

226 The change was done in deprivation of Braze's common law rights found in the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit of the United States Constitution, pursuant to the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

227 The change was done in deprivation of Braze's common law rights constituting trespass on Braze's common law rights, including the right to liberty, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of

happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

228 The change was part of the conspiracy in deprivation of Braze's common law rights pursuant to the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the rights to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

229 The change was part of the conspiracy in deprivation of Braze's rights pursuant to the common law and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon constituting common law trespass against Braze's right to liberty, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation.

230 The change was part of the conspiracy constituting deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon including Braze's rights as stated in *Title 42, USC section 1985*, including the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

231 The change was part of the conspiracy causing deprivation of Braze's common law rights and was done as part of conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights as found in the United States Constitution including the right to liberty, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation.

232 The change was part of the conspiracy causing deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights in pursuance of the United States Constitution, including *Stare Decisis*, case law, including the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation.

COUNT VIII

233 Paragraphs 1 through are incorporated by reference.

234 On or about 6/12/2000 Braze called and filed a telephonic complaint with the Medford Police Department pursuant to the unlawful actions of Burchfiel and Mak as stated in this document.

235 On or about 6/12/2000 Braze called and filed a telephonic complaint with the

Medford City Hall addressed to the Medford City Mayor pursuant to the unlawful actions of Burchfiel and Mak as stated in this document.

236 On or about 6/12/2000 Braze called and filed a telephonic Notice of intent to file a complaint, motion for temporary restraining order and preliminary injunction with the Medford Municipal Court.

237 The person believed to be Denise Bostwick, requested that the complaint be provided in writing.

238 Even though the Federal Rules of Civil Procedure do not require such notice in writing Braze on 6/14/2000 attempted to deliver such written notice to Denise Bostwick along with a "REFUSAL FOR FRAUD" stating such of the facts as Braze was aware at the time and as are included in this document, requiring that a copy be signed that they had been received.

239 On the advice of a person believed to be City Attorney Ron Doyle, Denise Bostwick refused to sign that Denise Bostwick had received the signed documents.

240 Braze refused to leave the signed documents without written proof that the documents had been received.

241 Thereafter Braze attempted to leave further copies of the signed documents with the Medford Police Department.

242 Employees/agents of the Medford Police Department referred Braze to an office on the third floor which it was claimed was the appropriate office in which to deliver the documents.

243 The office turned out to be the office of the City Attorney and when Braze attempted to deliver the documents and get proof that they had been delivered the person believed to be City Attorney Ron Doyle told the secretary not to accept the documents.

244 When Braze attempted to warn the secretary of the secretaries possible liability pursuant to the United States Code, Title 42, Sections 1986, 1985 and 1983 in failing to accept the documents the person believed to be City Attorney Ron Doyle claimed Braze was threatening the secretary and ordered the secretary to call the police.

245 Braze left the building.

246 Thereafter on Monday, June 26, 2000 Braze e-mailed unsigned copies of the Refusal for Fraud and notice of intent to file complaint in Federal Court [which included the TRO, Preliminary Injunction and complaint information] with the following persons and agencies; Judge Haberlath; and Jef E. Faw, of the Medford Mun Court; "LINDSAY BERRYMAN", Medford City Mayor; "CURT BENNETT", "JIM KEY", "SAL ESQUIVEL", "SKIP KNIGHT", "MATTHEW HART", JOHN MICHAELS, "BILL MOORE", City Council; "Michael Dyal", City Manager; "Medford Police Department"; "Police Chief Eric Mellgren"; City Attorney "Ron Doyle". Judge Haberlath; and Jef E. Faw, of the Medford Mun Court; "LINDSAY BERRYMAN", Medford City Mayor; "CURT BENNETT", "JIM KEY", "SAL ESQUIVEL", "SKIP KNIGHT", "MATTHEW HART", JOHN MICHAELS, "BILL MOORE", City Council; "Michael Dyal", City Manager; "Medford Police Department"; "Police Chief Eric Mellgren"; and City Attorney "Ron Doyle". never responded to the e-mailed documents.

247 All of the defendants stated above were by the e-mailed documents made aware of the deprivation of Braze's rights and the further deprivation which it was claimed the court might do.

248 Pursuant to Title 42, USC, section 1986 the defendants stated above were legally obligated to do whatever they could to prevent the further unlawful actions from being carried out.

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249 The above stated defendants never made any attempt to contact Braze to determine what was going on

250 The above defendants failed and refused to take any action to stop the possible arrest of Braze

251 The above stated defendants have failed and refused to take any action to stop the possible suspension of Braze's license as evidenced by the extortion letter from "D Bostwick" of Medford Municipal court, dated July 20, 2000, threatening to have Braze's license suspended if Braze did not pay an extortion amount of \$109.00.

252 The neglect to prevent was done in deprivation of Braze's common law rights pursuant to *Title 42, USC section 1986*, to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure but not by way of limitation,

253 *Title 42, USC section 1986, Every individual having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [1985] are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representative, for all damages caused by such wrongful act, which such individual by reasonable diligence could have prevented, and such damages may be recovered in an action on the case, and any number of individuals guilty of such wrongful neglect or refusal may be joined as defendants in the action...*

254 The neglect to prevent was done in deprivation of Braze's common law rights as found within the United States Constitution, of liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel, the right to operate a motor vehicle for business and pleasure but not by way of limitation,

255 The neglect to prevent was done in deprivation of Braze's common law rights found in the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit of the United States Constitution, pursuant to the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

256 The neglect to prevent was done in deprivation of Braze's common law rights constituting trespass on Braze's common law rights, including the right to liberty, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, to own property, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

257 The defendants with knowledge that the unlawful acts were about to be done and acting together in their silence became conspirators in the deprivation of Braze's rights pursuant to *Title 42, USC section 1986*.

258 The neglect to prevent was done as part of the conspiracy in deprivation of Braze's common law rights pursuant to the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the rights to liberty, to own property, equal protection, the unabridged right to petition the

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government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

259 The neglect to prevent was done as part of the conspiracy in deprivation of Braze's common law rights pursuant to the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the right to liberty, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

260 The neglect to prevent was done as part of the conspiracy in deprivation of Braze's rights pursuant to the common law and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon constituting common law trespass against Braze's right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

261 The neglect to prevent was done as part of the conspiracy leading to deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's rights as found in *Title 42, USC section 1985*. the right to liberty, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, to own property, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

262 The neglect to prevent was done as part of the conspiracy causing deprivation of Braze's common law rights and was done as part of conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights as found in the United States Constitution including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

263 The neglect to prevent was done as part of the conspiracy causing deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights in pursuance of the United States Constitution, including *Stare Decisis*, case law, including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation.

264 As a direct and proximate result of other legal obligations and necessity to use Braze's eyes sparingly to ensure continued ability to see, Braze has been unable to finish the documents before this time.

COUNT IX

265 Paragraphs 1 through are incorporated by reference.

266 On or about 7/23/2000 Braze received an extortion notice from "D Bostwick" "Deputy Court Clerk" "Medford Municipal Court" [Exhibit D, included by reference] stating in pertinent part: "**FRANK EUGENE BRAZE**" [**FRAUD**] "RE: DOCKET 00B06410" "OPERATION WITHOUT REQUIRED LIGHTING" [**FRAUD**] ... "YOU HAVE FAILED TO APPEAR ON THE ABOVE CHARGE PRESENTLY PENDING AGAINST YOU IN MEDFORD MUNICIPAL COURT. [**FRAUD**] YOU HAVE BEEN FOUND GUILTY BY DEFAULT IN ACCORDANCE WITH ORS 153.102." "TO AVOID A REQUEST FOR SUSPENSION OF YOUR LICENSE OR FURTHER COLLECTION ACTION, THE FINE OF \$109.00 [**EXTORTION**] MUST BE PAID NO LATER THAN 30 DAYS FROM THE DATE OF THIS LETTER. [**FRAUD AND EXTORTION.**]"

267 Braze's legal name is Frank Eugene Braze specifically not "FRANK EUGENE BRAZE"

268 The charge of "OPERATION WITHOUT REQUIRED LIGHTING" was changed from "Operating w\out Required lights (Brake\ Tail) in the "**OREGON UNIFORM CITATION AND COMPLAINT**". [Exhibit A, included by reference] to OPERATION WITHOUT REQUIRED LIGHTING in the "TRIAL NOTICE" [Exhibit C, included by reference] by DB, believed to be "Denise Bostwick", dba "D Bostwick" and "DB".

269 If Braze has been found guilty by default the charges cannot still be pending.

270 The "TRIAL NOTICE" states in pertinent part: "FAILURE TO APPEAR may result in a warrant for your arrest and/ or a request for suspension of your driving privileges. If you are charged with a violation and fail to appear, you **will** be found guilty of the charge pursuant to ORS 153. 102 and a money judgment **will be entered in the amount of the base fine listed on your citation.**" [Exhibit C, included by reference] [emphasis added]

271 The "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] has three [3] places for listing a base fine, listed as 1. BASE FINE ____, 2. BASE FINE ____, and 3. BASE FINE ____.

272 There is no base fine listed in any one of the 3 opportunities for listing a base fine on the "citation", therefore pursuant to the "TRIAL NOTICE" there is no base fine and the amount which "**will**" be entered is **no amount**.

273 The "TRIAL NOTICE" [Exhibit C, included by reference] states in pertinent part: SECURITY IN THE AMOUNT OF \$ 0 MUST BE POSTED BY _____

274 The "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] states in pertinent part: "**WARNING**" 1. IF YOU FAIL TO FOLLOW THESE INSTRUCTIONS, THE COURT **MAY** ISSUE A WARRANT FOR YOUR ARREST **and/or**, for traffic offenses, **may** order your license suspended. [some emphasis added]

275 2. For violations, if you do not pay the full base fine in advance **and** do not appear, the court, without further hearing, may enter a conviction and a judgment against you for more than the base fine and up to the maximum penalty allowed by law for the charged offense(s) including the maximum fines, assessments, restitution and other costs (which may be substantially more than the base fine).

276 **May** under the law is **permissive**, **Will** and **Shall** are **mandatory**, **May not**, **will not** and **shall not** are **prohibitive**.

277 Pursuant to the "TRIAL NOTICE" [Exhibit C, included by reference] "a money judgment **will be entered in the amount of the base fine listed on your citation.**"

278 **There is no base fine listed, therefore no money judgment can lawfully be**

entered.

279 Pursuant to the "**OREGON UNIFORM CITATION AND COMPLAINT**" [Exhibit A, included by reference] ... "if you do not pay the full base fine in advance **and** do not appear, the court, without further hearing, **may** enter a conviction and a judgment against you for more than the base fine and up to the maximum penalty allowed by law"...

280 **Will** takes precedent over **may** and since **there is no base fine listed** which **will** be assessed, **to assess a fine of \$109.00 constitutes extortion.**

281 *Extortion: The obtaining of property from another induced by actual or threatened force, or fear, or under color of official right. Ref. 18 U.S.C.A. 871et seq., 1951.*

282 *EXTORTIO - [LEGAL] -, Extortion is a crime when, by color of office any person [or individual] extorts **that which is not due, or more than is due, or before the time when it is due.** [see fees]Ref.- U.S.C.A. 18 sec, 1621 5542d a, [emphasis added]*

283 The fraudulent extortion notice was sent in deprivation of Braze's common law rights as found within the United States Constitution, of liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel, the right to operate a motor vehicle for business and pleasure but not by way of limitation,

284 The fraudulent extortion notice was sent in deprivation of Braze's common law rights pursuant to *Title 42, USC section 1983*, to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure but not by way of limitation,

285 The fraudulent extortion notice was sent in deprivation of Braze's common law rights found in the laws in pursuit of the United States Constitution including *Stare Decisis*, case law, in pursuit of the United States Constitution, pursuant to the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

286 The fraudulent extortion notice was sent in deprivation of Braze's common law rights constituting trespass on Braze's common law rights, including the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation,

287 The fraudulent extortion notice was part of the conspiracy in deprivation of Braze's common law rights pursuant to the practice, policy and procedures of the City of Medford, Medford Municipal Court, and the State of Oregon in violation of the rights to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

288 The fraudulent extortion notice was part of the conspiracy in deprivation of Braze's rights pursuant to the common law and was done as part of the conspiracy with

the City of Medford, Medford Municipal Court, and the State of Oregon constituting common law trespass against Braze's right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right

289 The fraudulent extortion notice was part of the conspiracy constituting deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon including Braze's rights as stated in *Title 42, USC section 1985*, including the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

290 The fraudulent extortion notice was part of the conspiracy causing deprivation of Braze's common law rights and was done as part of conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights as found in the United States Constitution including the right to liberty, to own property, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation

291 The fraudulent extortion notice was part of the conspiracy causing deprivation of Braze's common law rights and was done as part of the conspiracy with the City of Medford, Medford Municipal Court, and the State of Oregon against Braze's common law rights in pursuance of the United States Constitution, including *Stare Decisis*, case law, including the right to liberty, to own property, equal protection, the unabridged right to petition the government for redress of grievances, pursuit of happiness, the quantitative and qualitative aspects of the right to life, the right to due process of law, the right to travel and the right to operate a motor vehicle for business and pleasure, but not by way of limitation.

292 The defendants, and each of them have in a willful and deliberate manner conspired in the deprivation of Braze's rights as stated within this complaint.

VERIFICATION

I declare under penalty of perjury that I have read the aforesated complaint and all the matters stated therein are true as of my own knowledge except as to those matters which are stated on the basis of information and belief and as to those matters, I believe them to be true.

PRAYER FOR RELIEF

293 **WHEREFORE**, Plaintiff requests that this court grant the following relief:

294 [a] grant the temporary restrain order filed with this complaint, declaration and order to show cause restraining the Medford Municipal court from taking any action whatsoever to

295 [1] Have Braze arrested for refusing to attend the Medford Municipal Kangaroo court proceedings

296 [2] Have Braze's drivers license suspended for refusing to attend the Medford Municipal Kangaroo court proceedings.

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- 297 [3] Continue the efforts to extort the \$109.00 plus 25% collection fee.
298 [b] Grant preliminary and thereafter permanent injunctive relief
299 [c] Grant the right to amend this complaint as more evidence becomes known.
300 [d] Grant Plaintiffs right to a United States constitution, VII amendment, common
law trial [jury trier of both law and fact]
301 [e] Honor its oath of office to support the United States Constitution as the
Supreme law of the Land along with the Laws in Pursuance.

WHEREFORE, Plaintiff requests that the Jury grant the following relief:

- 302 [a] against the defendants, and each of them \$25,000,000.00 in lawful United
States Gold [not gold colored] coin for deprivation of :
303 [1] Braze's, common law Rights,
304 [2] Braze's common law Constitutional Rights,
305 [3] Braze's common law rights pursuant to the laws in pursuit of the United States
Constitution.
306 [4] Braze's common law rights pursuant to United States Code, Title 42, sections
1986, 1985 and 1983.
307 [b] against the defendants, and each of them \$75,000,000.00 in lawful United
States Gold [not gold colored] coin as exemplary damages to hold the defendants
up as an example for deprivation of :
308 [1] Braze's, common law Rights,
309 [2] Braze's common law Constitutional Rights,
310 [3] Braze's common law rights pursuant to the laws in pursuit of the United
States Constitution.
311 [4] Braze's common law rights pursuant to United States Code, Title 42,
sections 1986, 1985 and 1983.
312 [c] against the defendants, and each of them \$75,000,000.00 in lawful United
States Gold [not gold colored] coin as punitive damages in order to punish the
defendants for deprivation of :
313 [1] Braze's, common law Rights,
314 [2] Braze's common law Constitutional Rights,
315 [3] Braze's common law rights pursuant to the laws in pursuit of the United
States Constitution.
316 [4] Braze's common law rights pursuant to United States Code, Title
42, sections 1986, 1985 and 1983.

Executed this 15, day of September, 2000 in Jackson County, State of
Oregon by: Frank E. Braze

Frank E. Braze

SUMMONS

RESERVED
FOR D.A. USERESERVED FOR
COURT USE

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ORS 153.045 or 153.069

<input type="checkbox"/> CRIME(S) (See A on Back)	<input checked="" type="checkbox"/> OR (Not Both)	<input checked="" type="checkbox"/> VIOLATION(S) (See E on Back)	<input type="checkbox"/> TRAFFIC <input type="checkbox"/> BOATING	<input type="checkbox"/> OTHER <input type="checkbox"/> COMMERCIAL FISHING	<input type="checkbox"/> WILDLIFE <input type="checkbox"/>
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DOCKET NO.

STATE OF OREGON

CITY/OTHER PUBLIC BODY MEDFORDCOUNTY OF JACKSONCOURT: ☒ MUNICIPAL ☐ JUSTICE
☐ JUVENILE ☐ CIRCUIT

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:									
ID TYPE	ID NO.	STATE	TEL NO.						
NAME: LAST	FIRST	MI							
ADDRESS									
CITY	STATE	ZIP CODE							
SEX	RACE	DOB	HEIGHT	WEIGHT	HAIR	EYES	DEF IS	<input type="checkbox"/> PASSENGER	
			<input type="checkbox"/> EMPLOYED TO DRIVE						
			<input type="checkbox"/> LICENSE CLASS <u>A</u>						

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:									
OFFENSE DATE	MONTH	DAY	YEAR	TIME	AM	PM			
ON OR ABOUT									
AT OR NEAR LOCATION									

INVOLVING THE FOLLOWING:									
TYPE	REGIS / VIN / ID NO.	STATE	<input type="checkbox"/> ACCIDENT	<input type="checkbox"/> INJURY					
VEHICLE YEAR, MAKE, MODEL, STYLE, COLOR, OR OTHER									
DESCRIBE									
OTHER									

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):									
1. VIOLATED (CITE ORS/ORD/RULE)	DESCRIBE	ALLEGED SPD	<input type="checkbox"/> DESIGNATED SPD	<input type="checkbox"/> RADAR	<input type="checkbox"/> PACE				
		<input type="checkbox"/> POSTED LIMIT	<input type="checkbox"/> VBR	<input type="checkbox"/> LASER					
<input type="checkbox"/> INTENTIONAL	<input type="checkbox"/> KNOWING	<input type="checkbox"/> RECKLESS	<input type="checkbox"/> FSTD SCH ZN						
<input type="checkbox"/> CRIMINAL NEGLIGENCE	<input type="checkbox"/> NO CLUPABLE MENTAL STATE	<input type="checkbox"/> HWY WK ZN	1. BASE FINE: <u>500.00</u>						
2. VIOLATED (CITE ORS/ORD/RULE)			DESCRIBE						
			3. BASE FINE: <u>500.00</u>						
3. VIOLATED (CITE ORS/ORD/RULE)			DESCRIBE						
			2. BASE FINE: <u>500.00</u>						
3. VIOLATED (CITE ORS/ORD/RULE)			DESCRIBE						
			3. BASE FINE: <u>500.00</u>						

OTHER		EXPL.	
I CERTIFY UNDER ORS 153.045 AND 153.990 AND UNDER OTHER APPLICABLE LAW AND UNDER PENALTIES FOR FALSE SWEARING, DO SWEAR/AFFIRM THAT I HAVE SUFFICIENT GROUNDS TO AND DO BELIEVE THAT THE ABOVE-MENTIONED DEFENDANT/PERSON COMMITTED THE ABOVE OFFENSE(S) AND I HAVE SERVED THE DEFENDANT/PERSON WITH THIS COMPLAINT.			
DATE ISSUED	1ST OFFICER SIGNATURE		
PRINT 1ST OFFICER NAME	PRINT NAME		
2ND OFFICER OR ARRESTING PERSON (IF NOT OFFICER)	SIGNATURE	PRINT NAME	PRINT NAME
YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE			
MO/DAY/YEAR	TIME	AM	PM

Exhibit A

Exhibit B

A COMPLAINT ON THIS CITATION WILL BE FILED AGAINST YOU IN THE COURT INDICATED ON THE FRONT OF THIS SUMMONS.

READ CAREFULLY

If the front of this ticket shows you are charged with a:

- A. CRIME.** YOU MUST APPEAR at the time and place set by this summons.
B. VIOLATION. You must do one (and only one) of the violation options listed below.

VIOLATION OPTIONS: TO RESPOND TO VIOLATION(S) CHARGED ON THIS SUMMONS, YOUR OPTIONS ARE:

OPTION 1 **PERSONALLY APPEAR** at the court at the appearance time indicated to enter a plea OR, before that time, to orally request a trial. You have a right to trial, and if you plead not guilty when you appear, the court will set a date and time for trial.

OPTION 2 **ENTER A PLEA OF GUILTY OR NO CONTEST** by written appearance. To choose this option do all the following before the time this summons requires you to appear.

1. Check **AND** initial one (and only one) of the following pleas:
☐ I Plead **GUILTY** _____ (initial) ☐ I Plead **NO CONTEST** _____ (initial)

2. Sign/date here: _____ (signature) _____ (date) **AND**
 3. Deliver to the court this summons (see notice "x" below) and attach a written statement explaining or in mitigation of the violation(s) charged (if your plea is GUILTY, the written statement is optional). **AND**
 4. With this summons, send or take the court a **check or money order for the full base fine amount** as shown on this summons (\$ _____ indicate amount enclosed).

IMPORTANT: Choosing this option makes a written appearance and waives your right to trial. If you plead GUILTY, you agree to the penalties for your offense. If you plead NO CONTEST, you consent to any court judgement based on your plea and statement and the officer's report. If it finds you guilty, the court may keep all or part of it or part of it.

OPTION 3

1. Sign/date: _____
 2. Deliver **IMPORTANT:** time and place in the not appear on

OPTION 4

If so, the
 It is possible that you may not qualify for one of the other options.
 cases, you must comply with one of the other options.

NOTICE

1. In any case, the court, AFTER NOTICE, MAY REQUIRE YOU TO APPEAR FOR A HEARING.
2. For traffic offenses, this record will be sent to the Licensing Authority of this state (or where you received your license to drive) to decide if a license suspension is appropriate.
3. For violations, if you are going to have an attorney represent you, you must notify the court and the prosecutor's office in advance.
4. YOU MAY MAIL WRITTEN APPEARANCES to the court under Violation Options 2 or 3 above, but the mail must arrive at the court before your appearance date shown on this summons.

WARNING

1. IF YOU FAIL TO FOLLOW THESE INSTRUCTIONS, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST and/or, for traffic offenses, may order your license suspended.
2. For violations, if you do not pay the full base fine in advance and do not appear, the court, without further hearing, may enter a conviction and a judgment against you for more than the base fine and up to the maximum penalty allowed by law for the charged offense(s) including the maximum fines, assessments, restitution and other costs (which may be substantially more than the base fine).

MAIL CORRESPONDENCE OR WRITTEN APPEARANCE AND MAKE CHECKS PAYABLE TO:

Citation can be dismissed by MEDFORD MUNICIPAL COURT 411 W. 8TH, MEDFORD, ORE., 770-4500 if the instructions listed below are followed:
1: You correct the violation and a Medford Police Officer signs below when corrected.
2: Bring the citation to the Municipal Court BY YOUR COURT APPEARANCE DATE.
 Found to have been corrected on _____
 Medford Police Dept. Officer: _____
MINIMUM CLEARANCE & DRIVING UNINSURED ARE NEVER DISMISSED BY THE CLERKS

TRIAL NOTICE
MEDFORD MUNICIPAL COURT
411 W. 8TH ST, MEDFORD OR 97501
(541) 774-2040

CITY OF MEDFORD

VS.

FRANK EUGENE BRAZE

Charge: OPERATION WITHOUT REQUIRED LIGHTING
Docket No. 00B06410 Offense Date: 5/12/2000
MPD Case Number: Citation Number: 55601

THE ABOVE ENTITLED MATTER IS SCHEDULED FOR TRIAL ON:

***** WEDNESDAY, 07/19/2000 at 03:00 P.M. *****

IF YOU HAVE AN ATTORNEY REPRESENT YOU, the court must be notified in writing no later than two weeks prior to the scheduled court date.

WE WILL SUBPOENA WITNESSES if you are charged with a crime. You must submit a written request to the clerk two weeks prior to the scheduled trial date that includes the witnesses names and addresses.

IF A TRIAL IS TO BE RESET, your written request must be approved by the judge one week prior to the scheduled trial date.

FAILURE TO APPEAR may result in a warrant for your arrest and/or a request for suspension of your driving privileges. If you are charged with a violation and fail to appear, you will be found guilty of the charge pursuant to ORS 153.102 and a money judgment will be entered in the amount of the base fine listed on your citation.

SECURITY IN THE AMOUNT OF \$ 0 MUST BE POSTED BY _____

[Signature]
DEFENDANT'S SIGNATURE

855-7695
PHONE NUMBER

5915 Cassia Terrace Central Point OR. 97502
CURRENT MAILING ADDRESS CITY, STATE, ZIP

FOR OFFICE USE ONLY:

DATED: 6-9-00

CLERK: DB

RESET: _____

PHOTO CITY PROSECUTOR

(Citizen Complaint, Atty Rep, Jury)

PHOTO DEFENSE ATTORNEY

TO PD FOR SUSPENSION PACKAGE

Ordered _____

TO PD FOR CASE REPORT # _____

Exhibit C

MEDFORD MUNICIPAL COURT
411 WEST 8TH ST.
MEDFORD, OR 97501
(541) 774-2040

July 20, 2000

FRANK EUGENE BRAZE
5945 CASTLE TERRACE
CENTRAL POINT, OR 97502-0000

RE: DOCKET 00B06410
OPERATION WITHOUT REQUIRED LIGHTING

DEAR MR. BRAZE,

THIS LETTER IS TO ADVISE THAT YOU HAVE FAILED TO APPEAR ON THE ABOVE CHARGE PRESENTLY PENDING AGAINST YOU IN MEDFORD MUNICIPAL COURT. YOU HAVE BEEN FOUND GUILTY BY DEFAULT IN ACCORDANCE WITH O.R.S. 153.102.

TO AVOID A REQUEST FOR SUSPENSION OF YOUR LICENSE OR FURTHER COLLECTION ACTION, THE FINE OF \$109.00 MUST BE PAID NO LATER THAN 30 DAYS FROM THE DATE OF THIS LETTER. THE ACCOUNT IS SUBJECT TO A 25% FEE IF COLLECTION ACTION IS NECESSARY.

IF YOU WOULD LIKE TO PAY THIS FINE BY VISA OR MASTER CHARGE, PLEASE CALL OUR OFFICE AT (541) 774-2040. THANK YOU FOR YOUR PROMPT ATTENTION TO THIS MATTER.

Sincerely,



Deputy Court Clerk
Medford Municipal Court

Exhibit D